

## Introduced by Senator Morrow

February 22, 2005

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An act to amend Section 207 of the Penal Code, relating to kidnapping.

## LEGISLATIVE COUNSEL'S DIGEST

SB 751, as introduced, Morrow. Kidnapping.

Existing law defines the offense of kidnapping, including, among other things, to be taken or removed for the purpose and with the intent to sell that person into slavery or involuntary servitude, as specified.

This bill would specify that those provisions include slavery or involuntary servitude that is sexual.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 207 of the Penal Code is amended to  
2 read:  
3 207. (a) Every person who forcibly, or by any other means of  
4 instilling fear, steals or takes, or holds, detains, or arrests any  
5 person in this state, and carries the person into another country,  
6 state, or county, or into another part of the same county, is guilty  
7 of kidnapping.  
8 (b) Every person, who for the purpose of committing any act  
9 defined in Section 288, hires, persuades, entices, decoys, or  
10 seduces by false promises, misrepresentations, or the like, any  
11 child under the age of 14 years to go out of this country, state, or

1 county, or into another part of the same county, is guilty of  
2 kidnapping.

3 (c) Every person who forcibly, or by any other means of  
4 instilling fear, takes or holds, detains, or arrests any person, with  
5 a design to take the person out of this state, without having  
6 established a claim, according to the laws of the United States, or  
7 of this state, or who hires, persuades, entices, decoys, or seduces  
8 by false promises, misrepresentations, or the like, any person to  
9 go out of this state, or to be taken or removed therefrom, for the  
10 purpose and with the intent to sell that person into slavery or  
11 involuntary servitude, *sexual or otherwise*, or otherwise to  
12 employ that person for his or her own use, or to the use of  
13 another, without the free will and consent of that persuaded  
14 person, is guilty of kidnapping.

15 (d) Every person who, being out of this state, abducts or takes  
16 by force or fraud any person contrary to the law of the place  
17 where that act is committed, and brings, sends, or conveys that  
18 person within the limits of this state, and is afterwards found  
19 within the limits thereof, is guilty of kidnapping.

20 (e) For purposes of those types of kidnapping requiring force,  
21 the amount of force required to kidnap an unresisting infant or  
22 child is the amount of physical force required to take and carry  
23 the child away a substantial distance for an illegal purpose or  
24 with an illegal intent.

25 (f) Subdivisions (a) to (d), inclusive, do not apply to any of the  
26 following:

27 (1) To any person who steals, takes, entices away, detains,  
28 conceals, or harbors any child under the age of 14 years, if that  
29 act is taken to protect the child from danger of imminent harm.

30 (2) To any person acting under Section 834 or 837.